

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Child and Family Services Agency



DETERMINATION AND FINDINGS FOR A SOLE SOURCE PROCUREMENT

Agency: Child and Family Services Agency
Contract No.: DCRL-2021-C-0034
Caption: Foster Care Placement and Case Management Services
Contractor: National Center for Children and Families, Inc. (NCCF)

FINDINGS

1. **AUTHORIZATION:**

27 DCMR 1702

2. **MINIMUM NEED:**

The Child and Family Services Agency has a need for a contractor to provide foster care placement and case management services for children and youth in the District's foster care system who will be placed with the Contractor in the State of Maryland only and their families residing in the District. The Contractor shall possess a Child Placement Agency (CPA) and Adoption license issued by the State of Maryland's Department of Human Resources ("DHR"), Office of Licensing and Monitoring ("OLM"). The Contractor's social workers shall be dually licensed in the District and Maryland.

3. **ESTIMATED REASONABLE PRICE:**

Not to Exceed \$66,685,585.11 (a three-year base period)

4. **FACTS THAT JUSTIFY SOLE SOURCE PROCUREMENT:**

- a) National Center for Children and Families (NCCF) is currently providing services for about 300 to 400 clients under contract No.: DCRL-2017-C-0051, which is scheduled to expire on 9/30/2020.
- b) CFSA issued a solicitation No.: DCRL-2020-R-0042 on 1/17/2020. Two proposals were received on 4/28/2020. Preliminary budget negotiations were completed with the highest ranked offeror on 9/29/2020. Final budget negotiations were completed on 12/4/2020.
- c) A request for the 50% sub-contracting requirement was filed on 8/13/2020 and approved by DSLBD on 9/2/2020. However, CFSA is unable to move forward with the award because of the 8/23/2020 Contract Appeals Board (CAB) decision, Protest of Conduent State Healthcare, LLC, CAB NO.-P1120 which requires the District to find offerors that do not submit a sub-contracting plan with their proposal non-responsive.

- d) In the interim, to ensure continuity of services, a partial option of Contract No.: DCRL-2017-C-0051 was exercised for the period of 10/1/2020 through 2/28/2021.
- e) Due to the CAB ruling, CFSA is now faced with the need to enter into a sole source contract with NCCF to avoid disruption of foster care placement and case management services.
- f) Currently NCCF is the only provider that can provide the services since a new contractor, it will require the Agency, the current contractor and the in-coming contractor to work together to transition about 350 clients which will disrupt the lives of these clients.

The transition process involves:

1. Engaging all of the foster parents with CFSA clients placed in their homes to notify them that award has been made to a new contractor. Requesting the foster parents to change to the new contractor. Work with foster parents that are resistant to the transfer to convince them that their transfer will serve the best interest of the child.
2. The incoming contractor will have to re-license all the transferring foster parents under its name in accordance with the State of Maryland requirements. The re-licensing process takes up to 120 days. Placements that remain in these homes once transferred and not licensed will be classified as unlicensed placements which will be in violation of the LaShawn Implementation and Exit Standards and will impact the Agency's ability to claim federal reimbursement.
3. For those foster parents that decline to transfer to the new contractor, the new contractor will have to find new foster homes for the children affected. This will result in a placement disruption for the client and may de-regulate behaviors as a result of the move.
4. The time factor to ensure the completion of the entire process poses a great challenge to the Agency at the present time. The need for a sole source is to ensure continuity of services and is a result of the competitive process that needed to be cancelled due to the recent CAB ruling.
5. In an effort to have a consistency in the services being delivered to these children, the Agency transitioned from having up to ten (10) contractors provide placement to having one contractor to ensure that all children receive a consistent level of service. For the above reason, CFSA awards multi-year contracts and does re-solicit for the services periodically to ensure that the Agency receives the best state of the art and evidence based services available for its vulnerable clients, more specifically to find a contractor who will meet the permanency needs of the clients such as re-unification, guardianship or adoption. If permanency efforts fail the contractor should be in a position to provide current evidence-based services to maintain the stability of the client with minimal placement disruption.

For the above-mentioned reasons, it is in the best interest of the Agency to move forward with a sole source contract for a base period of three (3) years with two (2), one (1) year options.

5. CERTIFICATION BY AGENCY HEAD:

I hereby certify that the above findings are true, correct and complete.

Brenda Donald
Director, CFSA

Date

6. CERTIFICATION BY CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with 27 DCMR 1304 and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Agency Chief Contracting Officer

Date

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Agency Chief Contracting Officer

Date